

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DIEUBON PRESSOIR,

Plaintiff,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

-against-

CV 04-5273 (ILG)(JMA)

THE CITY OF NEW YORK, POLICE OFFICER "JOHN"
ADAMES, SHIELD NO. 24493, and POLICE OFFICERS
"JOHN DOES NOS. 1-3", WHOSE NAMES AND
BADGE NUMBERS ARE PRESENTLY UNKNOWN,

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ 07 2005 ★

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P.M. _____
TIME A.M. _____

WHEREAS, plaintiff commenced this action by filing a complaint on or about
December 3, 2004, alleging that certain of his federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without
costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff DIEUBON PRESSOIR
the sum of THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500) in full
satisfaction of all claims, including claims for costs, expenses, and attorney fees. In
consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims

against the named defendants, the City of New York and Flavio Adames (sued herein as "Police Officer 'John' Adames") with prejudice, and to release all defendants, including the defendants named herein as POLICE OFFICERS "JOHN DOES NOS. 1-3," and any present or former employees or agents of the City of New York, and the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

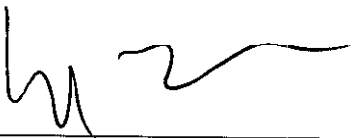
4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Police Department.

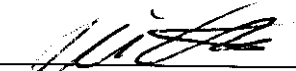
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 29, 2005

Edward Friedman, Esq.
Attorney for plaintiff
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(718) 852-8849

By: 
Edward Friedman, Esq. (EF 4000)

MICHAEL A. CARDOZO
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City of New York
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(212) 788-0991

By: 
Michael Chestnov (MC 0443)
Assistant Corporation Counsel

SO ORDERED:


HON. I. LEO GLASSER, U.S.D.J. 7/7/05